REMARKS

Claims 1, 18, and 21 are amended. Claims 17 and 34 are cancelled. New claims 35-48 are added. Claims 1-16, 18-33, and 35-48 are now pending in the application. The amendments to the claims as indicated herein do not add any new matter to this application. Furthermore, amendments made to the claims as indicated herein have been made to exclusively improve readability and clarity of the claims and not for the purpose of overcoming alleged prior art. Each issue raised in the Office Action mailed September 12, 2007 is addressed hereinafter.

I. ISSUES NOT RELATING TO PRIOR ART—CLAIMS 1 AND 17 ARE FREE OF INFORMALITIES

Claims 1, 17, and 18 were objected to as allegedly requiring that "having as elements nodes" should be changed to "having element nodes" on line 2 of each of the claims. Present Claims 1 and 18 recite "having, as elements, nodes" and are free of informalities. Claim 17 has been cancelled. Reconsideration is respectfully requested.

II. ISSUES RELATING TO PRIOR ART

Claims 1-7, 10-12, 16-24, 27-29, and 32-34 are rejected under 35 U.S.C. § 102(e) as allegedly unpatentable over Harper (U.S. Patent No. 7,058,016). The rejections of claims 1, 17, 18, and 34 are respectfully traversed.

Claim 1 recites, in part, "determining a set of network elements affected by the change in the network, identifying a sequence for updating of routing information at each element in the affected set, and updating the routing information at the first element in sequence." Claim 1 is amended solely to clarify, more explicitly, the updating sequence feature that was already present or implicit.

The Office action asserts that "regarding claims 1, 18, Harper discloses an apparatus and method of... determining a set of network elements affected by the change in the network,

identifying a sequence for updating of routing information at each element in the affected set, and updating the routing information at the first element in sequence." This is incorrect.

Harper actually teaches away from Claim 1. Harper discloses "Nodes… are sorted into order of cost from the current node. Each change in state is evaluated. If it has no effect on existing routes, it is ignored." (Harper, Col.5, Lines 31-48). Harper requires that nodes are sorted *before* they are evaluated. Claim 1 discloses "determining a set of network elements affected by the change." Only after this set has been determined is a sequence identified for updating routing information.

Claim further 1 recites, in part, sequence for updating of routing information at each element in the affected set." Harper, however discloses no such sequence. Harper discloses the use of a spanning tree as a method of determining a ***set*** of nodes to be updated. ("Each node is reattached at the best (lowest cost) point in the remaining spanning tree, if possible, and routes re-evaluated starting from the *nodes* that have been reattached"). (Harper, Col.5, Lines 31-48) By contrast, Claim 1 discloses a ***sequence*** for updating of routing information at ***each element.***" Therefore, Harper does not disclose a "sequence for updating of routing information at each element in the affected set" as described in Claim 1.

For at least the foregoing reasons, Claim 1 is not disclosed by Harper. Claim 18 is also not disclosed by Harper for at least the foregoing reasons. Therefore, removal of the rejection under 35 U.S.C. § 102(e) is respectfully requested.

Although Claims 17 and 34 have been cancelled, the features of these claims are reflected in new claims 35-48. Further, the features of claim 1 discussed above are recited in new claims 35-48. Therefore, new claims 35-48 are allowable for same reasons given above for Claim 1.

The claims not discussed thus far are dependent claims, each of which depends (directly or indirectly) on one of the independent claims discussed above. Each of the dependent claims is

therefore allowable for the reasons given above for the claim on which it depends. In addition, each of the dependent claims introduces one or more additional limitations that independently render it patentable. However, due to the fundamental differences already identified, to expedite the positive resolution of this case, a separate discussion of those limitations is not included at this time. The Applicant reserves the right to further point out the differences between the cited art and the novel features recited in the dependent claims.

III. ALLOWABLE SUBJECT MATTER

Applicants appreciate the indication that claims 8, 9, 13-15, 25, 26, 30, and 31 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

IV. CONCLUSIONS & MISCELLANEOUS

For the reasons set forth above, all of the pending claims are now in condition for allowance. The Examiner is respectfully requested to contact the undersigned by telephone relating to any issue that would advance examination of the present application.

A petition for extension of time, to the extent necessary to make this reply timely filed, is hereby made. If applicable, a check for the petition for extension of time fee and other applicable fees is enclosed herewith. If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to charge any applicable

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fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

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/ChristopherJPalermo#42056/
Christopher J. Palermo
Reg. No. 42,056

2055 Gateway Place Suite 550
San Jose, California 95110-1093
Telephone No.: (408) 414-1080
Facsimile No.: (408) 414-1076